



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 5313-00  
31 January 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 27 August 1982 at the age of 20. Your record reflects that you served for a year and five months without incident. However, during the period from 11 January to 16 May 1984 you received nonjudicial punishment (NJP) on five occasions for five specifications of failure to go to your appointed place of duty, four specifications of failure to obey a lawful order, two specifications of disobedience, four specifications of dereliction in the performance of your duties, reckless driving, two specifications of drunkenness while on duty, three specifications being incapacitated for duty due to intoxication, breaking restriction, possession and use of cocaine, and a 30 day period of unauthorized absence. Also during this period, after undergoing a medical examination, you were recommended for an administrative separation due to alcohol rehabilitation failure and a positive urinalysis for cocaine.

Subsequently, on 16 May 1984, you were notified of pending administrative separation action by reason of misconduct due to drug abuse and by reason of alcohol rehabilitation failure. At this time you waived your rights to consult with legal counsel

and to present your case to an administrative discharge board or to submit a statement in rebuttal to the discharge action. Subsequently, the discharge authority directed an other than honorable discharge by reason of misconduct due to drug abuse/use and on 7 June 1984 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity. The Board also considered your contentions that your record of NJPs and UAs indicate only isolated or minor offenses, and alcohol impaired your ability to serve. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given the serious nature of your continued drug related misconduct. Further, alcohol abuse does not excuse misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director